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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

29 UNITED STATES OF AMERICA, ) No. CR 12-00010 EMC  
30 Plaintiff, )  
31 v. ) STIPULATION AND [PROPOSED]  
32 ARMANDO ANTONIO MONROY ) ORDER RE PRESERVATION OF  
33 and JORGE PERAZA-RIVAS, ) EVIDENCE SEIZED PURSUANT TO  
34 Defendants. ) SEARCH WARRANT

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1       3. On January 18, 2013 the United States of America provided counsel for defendants  
2 Peraza-Rivas and Monroy with the “Application for the Search Warrant”, the “Search and  
3 Seizure Warrant”, and the “Inventory Listing of All Items Seized at Search Warrant Site”  
4 pertaining to the search of 232 Peabody St., San Francisco, California 94134 .

5       4. The cover letter accompanying the new discovery was sent to counsel for defendants  
6 Monroy and Peraza-Rivas and advised counsel for defendant Monroy as follows: . . . “In  
7 addition, there was an image of a computer seized during execution of the search warrant, as  
8 reflected on the inventory of items seized. Please let me know if you would like the data on that  
9 image to be returned to Mr. Monroy, deleted, or destroyed pursuant to Attachment C to the  
10 search warrant.”

11      5. Counsel for Monroy advised the United States of America that they could destroy the  
12 “image”.

13      6. Counsel for Peraza-Rivas has advised counsel for the United States of America and  
14 counsel for defendant Monroy that he would like a copy of the “image” in the United States of  
15 America’s possession so he can determine if it contains information which could potentially  
16 exculpate defendant Peraza-Rivas.

17      7. Counsel for defendant Monroy has objected to defendant Peraza-Rivas receiving a copy  
18 of the image from either the United States or defendant Monroy.

19      8. Counsel for defendant Peraza-Rivas will be filing a motion on February 6, 2012 asking  
20 the court to order the United States of America to provide a copy of the image so it can be  
21 examined for the presence of information which could potentially exculpate defendant Peraza-  
22 Rivas.

23      9. Based on all of the foregoing the parties stipulate and request that the court issue an order  
24 directing that United States of America preserve the data on the mirror image in their possession

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1 and not destroy or otherwise dispose of that mirror image until this court has had an opportunity  
2 to determine the merits of the motion to be filed by defendant Peraza-Rivas.

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4 Dated: January 31, 2013

Respectfully submitted,

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MELINDA HAAG  
United States Attorney

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/s/  
Alexa Summer  
Assistant United States Attorney

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/s/  
Alan A. Dressler Esq.  
Attorney for Defendant  
Jorge Peraza-Rivas

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/s/  
Steven Gruel, Esq.  
Attorney for Defendant  
Armando Antonio Monroy

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7 Attorney for Defendant

8  
9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA, ) No. CR 12-00010 EMC  
13 Plaintiff, )  
14 v. ) [PROPOSED] ORDER DIRECTING UNITED  
15 ARMANDO ANTONIO MONROY ) STATES OF AMERICA TO PRESERVE  
16 and JORGE PERAZA-RIVAS, ) EVIDENCE SEIZED PURSUANT TO A  
17 Defendants. ) SEARCH WARRANT

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18 GOOD CAUSE APPEARING, and pursuant to the stipulation of the United States of  
19 America and defendants Jorge Peraza-Rivas and ARMANDO Antonio Monroy, IT IS HEREBY  
20 ORDERED that the United States of America preserve until further notice from the court, the  
21 mirror "image" and data contained therein of the hard drive of the Emachine Desktop computer  
22 Serial Number XRC6880010009), which was made during the execution of search warrant 3-12-  
23 70042 JSC on January 25, 2012 at 232 Peabody Street, San Francisco, California 94134.

24 **IT IS SO ORDERED.**

25 Dated: February 5, 2013

